



असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 9th May, 1983:—

BILL NO. 68 OF 1983

A Bill to provide for the repeal of the Lepers Act, 1898, as in force in the Union territories of Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Chandigarh.

BE it enacted by Parliament in the Thirty-Fourth Year of the Republic of India as follows:—

1. This Act may be called the Lepers (Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Chandigarh Repeal) Act, 1983.

Short
Title

2. The Lepers Act, 1898, as in force in the Union territories of Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Chandigarh, is hereby repealed.

Repeal of
Act 3 of
1898.

STATEMENT OF OBJECTS AND REASONS

The enactment of the Lepers Act, 1898 (3 of 1898) was based on the then prevailing knowledge about leprosy, the means available for its treatment and control and the age-old stigma attached to the disease. It was considered that the disease was incurable, that all lepers are infectious and it is essential to restrain movement of pauper lepers and prohibit leprosy patients from following certain trades and doing certain acts. The Act made provisions to prevent spread of the disease to others.

2. In the light of recent scientific advancements, the concept about leprosy as regards its causation, spread, infectivity and treatment has undergone a radical change. Leprosy is curable. Its treatment is possible in patients' own homes without affecting their normal pursuits of life. The physical deformities, which may arise out of this disease, are preventable and correctible.

3. Most of the leprosy patients are non-infectious. The few infectious cases can be made non-infectious within a short period by modern treatment. The problem of their infectivity is, however, to be tackled by taking common precautions, as in case of other infectious diseases along with this treatment.

4. In these circumstances, it is considered necessary to repeal the Lepers Act, 1898. Since the said Act provides for matters in the State List, Parliament cannot repeal it except in respect of the Union territories. The object of the Bill is to repeal the said Act as in force in the Union territories without Legislatures, namely, Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Chandigarh.

5. The Bill seeks to give effect to the above object.

NEW DELHI;
The 28th April, 1983.

B. SHANKARANAND

BILL NO. 69 OF 1983

A Bill further to amend the Electricity (Supply) Act, 1948.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Electricity (Supply) Amendment Act, 1983.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

54 of 1948.

2. In section 59 of the Electricity (Supply) Act, 1948 (hereinafter referred to as the principal Act),—

(a) in sub-section (1), for the words “leave such surplus, as the State Government may, from time to time, specify.”, the following shall be substituted, namely:—

‘leave such surplus as is not less than three per cent., or such higher percentage, as the State Government may, by notification in the Official Gazette, specify in this behalf, of the value of the fixed assets of the Board in service at the beginning of such year.

Explanation.—For the purposes of this sub-section, value of the fixed assets of the Board in service at the beginning of the year” means the original cost of such fixed assets as reduced by the aggregate of the cumulative depreciation in respect of such assets calculated in accordance with the provisions of this Act and consumers’ contributions for service lines.’;

(b) in sub-section (2), in the opening portion, for the words “the surplus”, the words “any higher percentage” shall be substituted.

Short
title
and com-
mence-
ment.

Amend-
ment of
section 59.

Amend-
ment of
section 67.

3. For section 67 of the principal Act, the following section shall be substituted, namely:—

Priority
of liabili-
ties of
the Board.

“67. The Board shall distribute the surplus referred to in sub-section (1) of section 59 to the extent available in a particular year in the following order, namely:—

(i) repayment of principal of any loan raised (including redemption of debentures or bonds issued) under section 65 which becomes due for payment in the year or which became due for payment in any previous year and has remained unpaid;

(ii) repayment of principal of any loan advanced to the Board by the State Government under section 64 which becomes due for payment in the year or which became due for payment in any previous year and has remained unpaid;

(iii) payment for purposes specified in sub-section (2) of section 59 in such manner as the Board may decide.”.

Inser-
tion of
new sec-
tion 67A.

4. After section 67 of the principal Act, the following section shall be inserted, namely:—

Interest
on loans
advanced
by State
Govern-
ment
to be
paid only
after
other
expenses.

“67A. Any interest which is payable on loans advanced under section 64 or deemed to have been advanced under section 60 to the Board by the State Government and which is charged to revenues in any year may be paid only out of the balance of the revenues, if any, of that year which is left after meeting all the other expenses referred to in sub-section (1) of section 59 and so much of such interest as is not paid in any year by reason of the provisions of this section shall be deemed to be deferred liability and shall be discharged in accordance with the provisions of this section in the subsequent year or years, as the case may be.”.

Amend-
ment of
section
68.

5. In section 68 of the principal Act,—

(a) in sub-section (1), the words “Subject to the provisions of section 67,” shall be omitted;

(b) sub-section (2) shall be omitted.

Amend-
ment of
section
69.

6. In section 69 of the principal Act,—

(a) in sub-section (1), for the words “as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India”, the words “as the Central Government may, by notification in the Official Gazette, prescribe by rules made in this behalf in consultation with the Comptroller and Auditor-General of India and the State Governments” shall be substituted;

(b) after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) The provisions of sub-section (3) of section 4B shall apply in relation to any rules made by the Central Government under sub-section (1) as they apply in relation to rules made by that Government under Chapter II.”.

STATEMENT OF OBJECTS AND REASONS

The Electricity (Supply) Act, 1948 provides the statutory basis for the functioning of State Electricity Boards and lays down the basic framework for the constitution, functions, financial performance and accounts of State Electricity Boards. The financial provisions contained in the Act with respect to the Boards were last amended in 1978 with a view to ensuring that Electricity Boards are able to function on sound commercial principles. Experience since then has shown the need for further changes for achieving this object.

2. Though section 59 of the Act, as amended in 1978, casts an obligation on the State Governments to specify the surplus to be earned by the State Electricity Boards, no State Government has so far specified the quantum of such surplus. At present there is no uniformity in the manner of classification and presentation of accounts of the Boards and this renders inter-Board comparison of financial performance difficult. It is also considered necessary to re-arrange the priorities with regard to distribution of revenues of the Boards. It is, therefore, proposed to amend the Act—

(a) to provide that each Board shall have a surplus which shall not be less than three per cent., or such higher percentage as the State Government may specify, of the value of the fixed assets of the Board in service at the beginning of the year;

(b) to re-arrange the priorities for distribution of revenues of the Boards;

(c) to bring the financial reporting system of the Boards in line with commercial accounting practice; and

(d) to empower, with a view to securing uniformity in the manner of classification and presentation of accounts, the Central Government to prescribe the forms in which the accounts of the Boards and other records in relation thereto may be maintained.

3. The Bill seeks to achieve the above objects.

NEW DELHI;

CHANDRA SHEKHAR SINGH.

The 2nd May, 1983.

MEMORANDUM REGARDING DELEGATED LEGISLATION

At present under sub-section (1) of section 69 of the Electricity (Supply) Act, 1948, the power to prescribe by rules, the form in which the Boards shall maintain accounts and other records in relation thereto is vested in the State Governments. With a view to securing uniformity, sub-clause (a) of clause 6 of the Bill seeks to amend this section so as to vest the power to make the rules in this behalf in the Central Government. The amendment also makes it clear that the Central Government has to exercise this power in consultation with the Comptroller and Auditor-General of India and the State Governments. The matters in respect of which the rules may be made by the Central Government by virtue of the amendment are matters of detail and form. Provision has also been made for the laying of the rules before Parliament [*vide* sub-clause (b) of clause 6]. The delegation of legislative power is of a normal character.

AVTAR SINGH RIKHY,
Secretary.